

**DENTAL QUALITY ASSURANCE COMMISSION
BUSINESS MEETING MINUTES
Thursday May 18, 2006**

Amended

Members Present:

Russell Timms, DDS, Chair
Mark Koday, DDS, Vice-Chair
Abdul Alkezweeny, PhD, Public Member
Karen Homitz, DDS
Padmaraj Angolkar, DDS
Bernie Nelson, Public Member
Jessica Saepoff, DDS

Fred Quarnstrom, DDS
Robin Reinke, DDS
John Davis, DDS, JD
Terrance Hauck, MD, DDS
Lorin Peterson, DDS
Marshall Titus, DDS
Pramod Sinha, DDS

Staff Present:

Lisa Anderson, Health Services Consultant 3
Kirby Putscher Deputy Executive Director
Josh Shipe, Health Services Consultant 3
Joyce Roper, Assistant Attorney General

Cheri Brooks, Health Services Consultant
Kim Dinsmore, Administrative Assistant II
Peter Harris, Staff Attorney

Staff Absent:

Joy King, Executive Director

Others Present:

David Hemion, Assistant Executive Director – Washington State Dental Association (WSDA)
Melissa Johnson, Lobbyist, Washington State Dental Hygienist's Association (WSDHA)
Mary Ann Newell, Consumers for Dental Choice
Cindy Gideon, AAG – Office of the Assistant Attorney General
John Versnel, Esquire
Bracken Kilpack, WSDA
Joella Pyatt, RDH, WSDHA
Lynnette Davis, Esq. – DSHS
Alfred M Fairbanks, DDS

OPEN SESSION:

- 1. CALL TO ORDER** – Russell Timms, DDS, Chair called the meeting to order at 7:05 p.m.
 - 1.1 Introduction of Audience – The audience members were asked to introduced themselves.
 - 1.2 Approval of agenda – The agenda was approved.
 - 1.3 Approval of the March 23, 2006 business meeting minutes – The minutes were approved as presented.
 - 1.4 Panel A & B minutes, March 24, 2006 – The minutes were approved as presented.

2. RULES HEARING: WAC 246-817-560

A formal rules hearing was held to amend WAC 246-817-560, to add placement of antimicrobials as an act that may be performed by licensed dental hygienists under the close supervision of a licensed dentist. Testimony was given by Melissa Johnson, lobbyist for the Washington State Dental Hygienist's Association (WSDHA), and David Hemion, Assistant Executive Director of the Washington State Dental Association (WSDA). Both testified in support of the proposed rule amendment and explained that there was agreement when the 2003 legislation was passed, that placement of antimicrobials by dental hygienists would be done under the close supervision of a licensed dentist. Following the testimony the Commission voted to adopt the rule as amended. The final rule will be filed with the code reviser in late June, with an effective date 31 days after filing.

3. COMPLIANCE PRESENTATION

Alfred M. Fairbanks, DDS and John C. Versnel, III, Attorney at Law gave a presentation on Informed Consent.

4. PROGRAM REPORT, EXECUTIVE DIRECTOR, ASSISTANT ATTORNEY GENERAL, STAFF ATTORNEY, INVESTIGATORS – Lisa Anderson, Health Services Consultant, Josh Shipe, Disciplinary Manager, Joyce Roper, AAG

- 4.1 Budget Report-Interim Operating Reports for January 2006. Lisa spoke about the need for an I-601 exemption in the 2007-2009 biennium in order to request a fee increase. The HPQA financial manager is currently researching and projecting what the fee increase should be. The fee increase will consider issues such as inflation as well as that 80% of all dental financial resources are spent on the discipline process. Fees have not been increased in many years.
- 4.2 The DQAC recruitment package has been submitted to the Governor's office. The package requests Dr. Sinha and Dr. Titus be considered for re-appointment and provides an additional slate of names for the position vacated by Dr. Robin Reinke.

- 4.3 Washington Physician's Health Program provided written announcement of the appointment of Mick Oreskovich, MD, Medical Director and Chief Executive Officer. Dr. Oreskovich replaces Dr. Lynn Hanks.
- 4.4 2007 Draft Legislative Proposals: Three proposals have been submitted for consideration by the department.
- Increase size of DQAC: Consider use of (inactive) retired dentists. Increased disciplinary caseload, multi-day hearings, and other exam related responsibilities have contributed to the need for redistribution of workload. (a suggestion of 4 additional members has been made.)
 - Recalculate cost recovery methodologies: Suggest a review of the cost recovery formulas for SOA/STID's, to determine if they are accurately capturing actual costs for these disciplinary activities.
 - Tiered fee/renewal structure: Dr. Reinke proposed setting renewal rates for dentists in a way similar to the insurance industry. Practitioners with the best licensure histories would receive the least expensive renewal rates while those that tax the system with frequent complaints and disciplinary activities would be charged at a higher rate.

5 RULES ACTIVITY UPDATE – Chapter 246-817

- Dental continuing education (WAC 246-817-440) –amendment became effective April 8, 2006 to increase the number of “home study” hours from three to seven hours.
- WAC 246-817-560 Placement of Antimicrobials – amendment will take effect in mid July. Allows for the placement of antimicrobials by dental hygienists under the *close* supervision of a licensed dentist.
- 246-817-XXX Sexual Misconduct – CR-101 to be filed. It is anticipated that the final version of the Secretary's Sexual Misconduct rules will be filed in mid-July.
- Proposed Fee Increases – must be considered in 2007-2009 biennium.
- Dental Anesthesia Committee = DAC* (WAC 246-817-700's) – Recommendations will be finalized on June 10, at the final meeting of DAC and presented to DQAC at a later date.
- Dental License without Examinations (WAC 246-817-130, 135, 140) See below
- Dental Licensure related rules - SB 5966 Five year requirement. Lisa needs further direction from DQAC to proceed.
- PGY-1 Program/Dental Residents, Dr. Koday discussed two components of the program. Suggestions for the assessment criteria would be for examiners to observe residents, shadowing, developing specific cases, with specific criteria to include a portfolio, including treatment plans. Two hours with each candidate to ask specific questions about how they determined results. Dental Resident pilot project at the Northwest Dental Residency begins on July 1, 2006 – anticipated 5 enrollees in program.

6 SKILLS ASSESSMENT AND REMEDIATION – Josh Shipe and Dr. John Davis: In discussions with the UW, there was concern expressed about remediation of dentists with underlying substance abuse or alcohol abuse issues. Initial Assessment, clinical competency, and practical assessment of a dentist will be done at the School of Dentistry and the dentist will be provided with certification of the number of CDE hours completed. The dentist, (and/or his/her attorney of record) is responsible for submitting appropriate documentation back to the DQAC to demonstrate compliance with any requirements that were imposed. The practitioner is also responsible for all costs incurred in the skills assessment or remediation process.

7 AMERICAN DENTAL ASSOCIATION (ADA); AMERICAN ASSOCIATION OF DENTAL EXAMINERS (AADE); AMERICAN ASSOCIATION OF DENTAL ADMINISTRATORS (AADA); THE DENTAL ASSISTING NATIONAL BOARD, INC (DANB); THE NATIONAL PRACTITIONER DATA BANK (NPDB); AMERICAN STUDENT DENTAL ASSOCIATION (ASDA) - the listed items were provided to the commission members by e-mail.

- 7.1 The Bulletin-Spring 2006
- 7.2 ASDA Letter dated March 17, 2006
- 7.3 AADE 123rd Annual Meeting Registration Packet – October 2006 – Dr. Marshall Titus will attend on behalf of DQAC. Due to budget constraints, Lisa Anderson will not be attending either AADE or the administrator's meeting this year.
- 7.4 NPDB and Section 1921 Fact Sheet
- 7.5 DHHS Letter dated April 21, 2006
- 7.6 NPDB/HIPDB Data Bank News April 2006

8 WESTERN REGIONAL EXAM BOARD (WREB)

- 8.1 April 26, 2006 July WREB Meetings
- 8.2 Western Conference- July 21-22, 2006 - Keystone, Colorado – Dr. Davis will attend as the Board of Director's Representative. Dr. Marshall Titus will not attend this meeting.
- 8.3 Article "Drilling Down"

9 COUNCIL OF INTERSTATE TESTING AGENCIES (CITA) /ADEX/ OTHER
CITA to provide suggestions, proposal to accept WREB results. Currently, there are variations in which states will accept which exam formats. A motion was made to recognize all current exams (WREB, CRDTS, NERB, SRTA) for licensure. The motion was withdrawn and a request was made to move the discussion to the July meeting. Dr. Peterson offered to gather and format additional information about each regional examination format to allow all commissioners to make an informed decision on this issue.

10 OTHER REPORTS

Department of Health, Health Professions Quality Assurance held a Board and Commission Dialogue Session on April 26, 2006. Dr. John Davis and Dr. Mark Koday attended and reported back to the Commission.

11 CORRESPONDENCE

- 11.1 Letter dated April 6, 2006 from Lisa Anderson to A.T. Still University regarding their acceptance as an accredited ADA education program
- 11.2 Letter dated May 2, 2006 from Wayne W. Cottam, DMD, MS at A.T. Still University to request approval to conduct their Integrated Community Service Partnership program. The Commission accepted this program as proposed.

12 CONSENT AGENDA

Items listed under the consent agenda are considered to be routine agency matters and will be approved by a single motion of the Commission without separate discussion. If separate discussion is desired, that item will be removed from the agenda and placed on the regular business agenda.

- 12.1 Newsletters / Articles – the listed items were provided to the commission members by email.
- 12.2 U.S. Newswire - What Patients Don't Know: Dentists' Sweet Tooth for mercury.
- 12.3 Kaisernetwork.org – ADA Files Suit Over Dental Therapists Providing Care in Rural Areas
- 12.4 Seattle PI – Capitol Watch: Patient Safety
- 12.5 Quackbusters Crushed in Massachusetts Dental Case
- 12.6 Bolen Report – AETNA Loses Major Dental Case in Fed. Court
- 12.7 HPQA January 2006 Monthly report – We ASPIRE
- 12.8 Department of Health – The Sentinel February 2006
- 12.9 Missouri Dental Board Newsletter – January 2006
- 12.10 CDC Public Health Law News, Feb 15, 2006 – “Legal health issues arise grill fad”

13 POLICIES/ INTERPRETIVE STATEMENTS, OPINIONS

Any interpretive statement issued by the Commission is advisory and intended for the guidance of the requesting parties only. The interpretive statement is not legally binding and does not have the force and effect of a duly promulgated regulation or declaratory ruling by the Commission.

CLOSED SESSION

14 EXECUTIVE SESSION

The term “executive session” is commonly understood to mean that part of a regular or special meeting of the governing body that is closed to the public. A governing body may hold an executive session only for specified purposes, which are identified in RCW 42.30.220(1)(a-k), and only during a regular or special meeting.

OPEN SESSION

15 FUTURE COMMISSION BUSINESS – No future business items were discussed but there are several items that were tabled until the next meeting

- 15.1 CITA – Will DQAC accept their exam results?
- 15.2 Microdermabrasion – Request from AAOMS
- 15.3 WREB Presentation – Dr. Lorin Peterson
- 15.4 Skills Assessment and Remediation – Dr. John Davis and Josh Shipe
- 15.5 Informed Consent Presentation – Kim O’Neal, AAG – Prosecutor’s perspective

16 BUSINESS MEETING ADJOURNMENT

With no further business the meeting was adjourned at 9:42 p.m. Disciplinary panels will begin at 8:00 a.m. on Friday, May 19, 2006.

Respectfully Submitted By:

Cheri Brooks, Health Service Consultant 1

Commission Approval By:

Russell Timms, DDS, Chair